

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

JAMES SEXTON,

Plaintiff,

vs.

CREDIT ONE BANK,

Defendant.

C.A. No.: 5:15-cv-00589-DAE

**DEFENDANT CREDIT ONE BANK'S NOTICE OF MOTION AND
MOTION TO COMPEL ARBITRATION AND TO DISMISS ACTION**

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that Defendant Credit One Bank ("Credit One") hereby moves this Court for an Order compelling arbitration of Plaintiff James Sexton's ("Plaintiff") claims in this action and dismissing, or alternatively, staying this action pending the conclusion of the arbitration.

This Motion is made on the grounds that, under the Federal Arbitration Act (9 U.S.C. § 1, et seq.) ("FAA"), Plaintiff is required to submit his claims to binding arbitration in accordance with the arbitration clause contained in his credit card agreement with Credit One, and that because the claims must be submitted to arbitration, the Court should dismiss this action.

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This Motion is based on this Notice, the Memorandum of Points and Authorities filed concurrently herewith, the declaration of Gary Harwood filed concurrently herewith, the complete files and records in this action, and any further argument and evidence that the Court may properly receive at or before the time of the hearing on the Motion.

DATED: September 15, 2015

REED SMITH LLP

Respectfully Submitted:

/s/ Michael H. Bernick

Michael H. Bernick

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Attorney-in-Charge for Defendant, Credit One Bank

CERTIFICATE OF CONFERENCE

I hereby certify that counsel for Credit One contacted opposing counsel on two occasions and was informed that they will not stipulate to arbitration.

/s/ Michael H. Bernick

Michael H. Bernick

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of September 2015, the foregoing instrument was electronically filed and served via the Court's ECF system.

/s/ Michael H. Bernick

Michael H. Bernick